IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 9993 of 2005

Between:

1 Kommaraddi Prasad, s/o Seshaiah,

r/o 350/4, Jawahar Nagar, Sri Nilayam,

Moulaali, Hyderabad.
2 Chelamala Constructions rep., by its Proprietor

C.V.Jagadishwar rao, s/o late C.Venkaiah,
r/o 8-2-136/1, Punjagutta Colony,

Hyderabad-500 082.

..... PETITIONERS

AND

1 The General Manager,

SouthCentral Railway, Secunderabad.
2 The Divisional Railway Manager,

Hyderabad Division, Secunderabad.
3 The Divisional Railway Manager (Works),

Hyderabad Division, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the respondents not finalizing the case of the petitioners for

inclusion of their names in the approved Class-C list of contractors for Hyderabad Division of South Central Railway for the years 2004-06 as per notification dated 6-1-2004 of the 3rd respondent as illegal, arbitrary and against the principles of natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.V.N.BHUPAL

Counsel for the Respondents: MR.GOURI SHANKAR SANGHI

The Court made the following :

ORDER:

Petitioners filed this writ petition seeking to declare the action of the respondents in not finalizing their case for inclusion of their names in the approved Class-C list of contractors for Hyderabad Division of South Central Railway for the years 2004-06 as per notification dated 6-1-2004 of the third respondent as illegal and arbitrary.

The petitioners are the working railway contractors with the South Central Railway for the last 15 years. While, so, the third respondent issued notification No.PUB/227/0203 dated 29-05-2002, inviting applications from the eligible candidates for registration in the approved list of contractors for Hyderabad division of South Central railway for the year 2002-03. It is stated that the first petitioner made an application for enrolment of his name in the list of approved contractors. But the said notification was dropped and after lapse of one and half years the third respondent-Divisional Railway Manager (works), Hyderabad division, Secunderabad issued fresh notification

vide tender Notice No.YW/148/W.III/ALC/2003 dated 6-1-2004, for registration in the approved list of contractors for the year 2004 to 2006. It is further stated that the petitioners have made applications for enrolment of their names. As no action has been taken for finalisation of their applications, the petitioners made representation on 10-12-2004 requesting the respondents to consider their case for inclusion of their names in the registered approved list of contractors in the Hyderabad Division. Stating that the respondents are deliberately neglecting the petitioners' case for consideration, this writ petition is filed.

Heard both sides. Perused the material available on record, including the impugned tender notice dated 6-1-2004.

Admittedly, the representation filed by the petitioner is pending with the respondents. Therefore, it is just and proper to direct the respondents to consider the said representation. Accordingly, the writ petition is disposed of directing the third respondent to consider the petitioners' claims for registering their names in the approved list of contractors, provided they fulfill the conditions prescribed in the impugned notification dated 6-1-2004. The petitioners shall file a further representation along with a copy of the earlier representation dated 10-12-2004 before the third respondent within a period of two weeks from today. Thereafter, the third respondent shall consider the same and pass appropriate orders on merits as expeditiously as possible. There shall be no order as to costs.

Accordingly, the Writ Petition is disposed of. No order as to costs.

28-04-2005

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Copy to:

1 The General Manager,

SouthCentral Railway, Secunderabad.
2 The Divisional Railway Manager,

Hyderabad Division, Secunderabad.
3 The Divisional Railway Manager (Works),

Hyderabad Division, Secunderabad.

4 Two CD copies.